

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Johns-Manville Corporation, et al.,

Debtor.

Chapter 11
Case No. 82-11656 (CGM)

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ORDER OF CONTEMPT AND SANCTIONS

Before the Court is the Motion for Contempt (“Motion”) by Petitioners Marsh & McLennan, Inc.; Marsh USA, Inc., a Mississippi Corporation; Marsh USA, Inc., a Louisiana Corporation; Marsh USA, Inc., a Texas Corporation; Marsh USA Agency, Inc., a Texas Corporation; Marsh & McLennan of Delaware, Inc.; Marsh & McLennan of Dallas, Inc.; Houseman & Company, Inc.; J&H Marsh & McLennan, Inc.; J&H M&M ELC, Inc.; and Marsh USA Risk Services, Inc. (collectively, “Marsh”). The Motion seeks a finding of contempt and sanctions against Respondents Peggy Parra, Representative of the Estate of Salvador Parra (“Parra”), and Parra’s counsel, Eric Bogdan, David Shelton, and John S. Grant IV (collectively, “Parra’s Counsel” and together with Parra, “Respondents”), for their joint violation of (i) the settlement agreements and order this Court entered in 1986 (the “1986 Orders”), including an injunction (the “Channeling Injunction”), as confirmed by this Court’s August 17, 2004 clarifying order (the “Clarifying Order”) and (ii) two Court orders, the first entered on August 5, 2015 (the “2015 Enforcement Order”) and the second entered on January 24, 2018, (the “2018 Enforcement Order”). The 1986 Orders, the Clarifying Order, the 2015 Enforcement Order, and the 2018 Enforcement Order (collectively, the “Court’s Orders”) each became final and non-appealable long ago, as set forth in detail in the Court’s *Memorandum Decision Granting Marsh USA, Inc.’s Motion for Contempt* (the “Contempt Decision”) [ECF No. 4453].

For the reasons stated in the Court’s Contempt Decision, upon the Court’s review and

consideration of all filings in support of and opposition to the Motion (ECF Nos. 4431, 4432, 4437, 4438, 4441, 4442, 4449, 4450); and the Court having heard oral argument on the Motion on October 23, 2024 (ECF No. 4448); the Court finds Respondents in contempt of Court for violating the Court's Orders. The Court further finds, after considering all of the facts and circumstances, as set forth in the Contempt Decision, that monetary sanctions are warranted, for which Respondents are jointly and severally liable. Having reviewed the affidavits of Marsh's counsel, John L. Brennan, John A. Koepke and Joseph A. O'Connell, detailing the attorneys' fees Marsh incurred in this matter as a result of Respondent's continued noncompliance with the Court's Orders from June 14, 2021 through November 22, 2024, it is hereby

ORDERED that within fourteen (14) days of entry of this Order, Respondents shall pay Marsh's attorneys' fees in the amount of \$65,481.60, representing fees Marsh incurred defending against Respondents' violation of the Court's Orders, beginning on June 14, 2021, through November 22, 2024 ("Marsh's Attorneys' Fees"), in a manner and as directed by counsel for Marsh.

ORDERED, that within fourteen (14) days of entry of this Order, Respondents shall file a motion in the case pending before the Mississippi Court of Appeals, *Parra v. Babcock PowerServices, Inc., et al.*, 2023-CA-01196 (Miss.) (the "Parra Appeal"), voluntarily dismissing Marsh as a party with prejudice.

ORDERED, that if Marsh's Attorneys' Fees are not paid in full and the Respondents have not filed a motion voluntarily dismissing Marsh from the Parra Appeal within fourteen (14) days of entry of this Order, Respondents shall pay an additional *per diem* monetary sanction in the amount of \$1,000 per day, until Respondents have complied fully with this Order.

/s/ **Cecelia G. Morris**

Dated: February 25, 2025
Poughkeepsie, New York



Hon. Cecelia G. Morris
U.S. Bankruptcy Judge